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Cleveland-Marshall College of Law

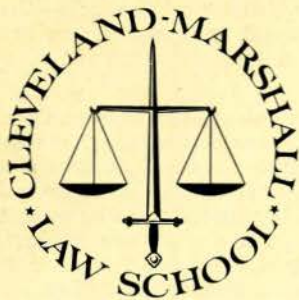
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THE GAVEL

"The Voice of Cleveland-Marshall"

CLEVELAND-MARSHALL LAW SCHOOL

1240 Ontario Street • Cleveland, Ohio 44113

Vol. 17 — No. 1 / October 8, 1968

James K. Gaynor New Dean

By William M. Goldstein

On July 12, the Board of Trustees appointed Professor James K. Gaynor as Dean of Cleveland-Marshall Law School, to fill the vacancy created by the retirement of Dean Wilson Stapleton. Dean Gaynor, also succeeds Interim Dean Howard L. Oleck, Distinguished Professor of Law. The Dean brings many years of experience, both as a Professor of Law and

as an Army Judge Advocate to his new position. He joined the faculty of Cleveland-Marshall in September of last year, taught Property and Federal Systems, and a seminar in Legislation as an Associate Professor.

Prior to coming to Cleveland-Marshall, he retired as an Army Colonel, having served in Congressional Legislative Liaison for the Department of the Army in Washington, and as Legal Adviser for the Joint U.S. military commander in Europe.



James K. Gaynor

The Dean views his new role in basic, down-to-earth terms. Thus, his goal as Dean is: "... to run a solvent law school that produces practical attorneys out of good students." The simplicity of this phrase should not be misconstrued as being a lofty ideal with which no one could disagree. He is a practical man, with no flowery phrases to turn. His sincerity and ambition makes one realize that he is not merely paying lip service to educational ideals, but rather fully attempting to implement that which is too often stated, and too seldom realized.

Solvency

As to the school's solvency, Dean Gaynor fully believes that \$8.00 increase in tuition, to \$42 per credit hour, is a regrettable necessity created by many factors. He points out that there has been a general increase in administrative expenses and increases in faculty salaries to bring C-M in line with other ABA law schools' pay scales. Further, he noted that ABA accreditation standards have forced the School to increase the ratio of full-time instructors to students enrollment and to limit the classroom hours taught by the part-time faculty to 25% of the total hours. C-M, while meeting this year's requirements, must hire full-time faculty members to meet those expected to be adopted next year. On a note of optimism, the Dean concluded that should the school merge with CSU, tuition would be geared to that of other state-supported schools, and therefore reduced.

Admission Policy

As for the prerequisite of having good students from whom to produce practical attorneys, the Dean fully intends to continue the School's policy of becoming increasingly more selective in its admission of students. The present requirements are generally a C-plus average (2.2) in under-

graduate school, and a score of 500 or higher on the Law School Aptitude Test. Under exceptional circumstances, a student with a lesser score could gain admittance. But the general impression is that the exceptional circumstance cases will be few and far between. Transfer students must meet these requirements, plus being certified as eligible to return to the school from which they desire to transfer. The rationale for this policy is to effectively control enrollment when confronted with an ever increasing number of applicants, notwithstanding the military draft calls, and perhaps to enhance the stature of the Law School. Of prime importance is that it implements those studies that show a correlation between poor law school achievement and poor LSAT scores.

The Faculty

Dean Gaynor has great confidence in the faculty. He intends to give the faculty full rein to teach as they individually desire, in the belief that the faculty's qualifications, as teachers, do not warrant administrative interference. The Dean feels that should anything be seriously lacking with a given instructor's classroom performance, that fact will be brought to his attention, and proper inquiries will be made, depending upon the circumstances.

This year, according to the Dean, there are sixteen full-time and twenty part-time faculty members. Of the five new instructors, three have extensive teaching experience, while the other two have limited experience. "The dilemma of selecting new instructors," he states, "is that their scholastic achievements are tangibly evident, while their abilities can only be surmised."

It is the School's plan to have full-time instructors teach the basic courses, while utilizing the part-time faculty in the specialty courses. The students will continue to play a role in the selection of which elective courses will be taught. The students' selections will be weighed against the School ability to have an available instructor capable of teaching such a course.

Teaching Methods

Regarding teaching methods, Dean Gaynor maintains that the paramount objective of an instructor is not so much to teach what the law is but rather to teach students how to recognize problems and reason within a legal framework. He is in agreement with the majority of legal educators who laud the virtues of the casebook method and the teaching of general legal concepts as opposed to specific state law. The teaching of Ohio law, he believes, should have limited application, except in certain courses such as Civil Procedure. If a student has a solid background in the general law, he will be able to comprehend the peculiarities of Ohio Law by himself.

The Role of Dean

Inquiry was made as to the relationship between the Dean's office and the various other law school organizations.

Continued on Page 3

THE GAVEL

J. Norman Stark
Editor-in-Chief

C. Ellen Connally
Associate Editor



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New Staff, Distaff & Half

J. Norman Stark, new Editor-in-Chief of *The Gavel*, is a registered architect, planner, and appraiser, and the principal of a Cleveland consulting firm. He is a graduate of the Rhode Island School of Design, and Kent State University. In his third year at C-M, Mr. Stark is 39, married, has three sons, ages 9, 6, and 2, and lives in Shaker Heights.

Miss C. Ellen Connally, new Associate Editor of *The Gavel*, and next year's Editor-in-Chief, is a graduate of Bowling Green State University, and was a teacher for the Cleveland Board of Education prior to enrollment in the Day Session. In her second year at C-M, Miss Connally was a law clerk for the Legal Department of the City of Cleveland during the summer.

The new size of *The Gavel* is reduced in half from the 12" x 17" quarto (four pages) of preceding years, and bears the official seal of C-M. The type face is Century, a modified Roman, printed by letterpress method, on tinted enamel paper.

Regular distribution of *The Gavel*, published monthly during the academic year, with the exception of December, will be made in prominent locations in the School Office, and Student Lounge, during the last week of each month.

Your suggestions, comments, letters, and criticism are welcome at *The Gavel* office, Room B-3, or in *The Gavel* mailbox. Letters in good taste will be published, with the writer's permission, and identity withheld if proper cause is shown. This is your forum for accord, discord, assent, and dissent.



J. Norman Stark



C. Ellen Connally

As a newcomer to the ranks of the working (and studying) press, this writer follows a fine act—the work of capable, mature, and thoughtful predecessors in Miss Mildred Schad, now alumna and attorney, and Ken Hoffman, Senior Student.

To plagiarize at the outset, Ken Hoffman's editorial of November 17, 1967 will bear copying:

"... Joining up with Cleveland State University is an exciting idea . . . both schools stand to gain much from affiliation . . . Cleveland-Marshall can bring much to Cleveland State . . . a ready-made graduate school of distinction . . . a prominent faculty . . . a respected position in legal circles nationally as well as locally . . . together there is no limit as to what can be accomplished."

The administration, under newly-appointed Dean James K. Gaynor, has moved ahead with determination in extremely difficult areas during the short term of present office.

Editorial

An operating deficit forced the swift decision to increase tuition in order to minimize its effects on the entire budget for this academic year. During the foreseeable academic year 1969-70, tuition rates may be forced even higher without the C-M-C.S.U. merger, if Cleveland-Marshall Law School is to operate as an intentional non-profit institution, to break even, and to survive economically.

Military tactics and decisions, as well as civil maneuvers, appear to be a familiar old hat for our new Dean, and for Professor Howard L. Oleck, D.P.L., as battle historian in the theatre of "Operation Accreditation" with the A.A.L.S. Professor James T. Flaherty, Assistant Dean, has proven adept as Executive Officer (G-3), in the battle plan. With such a formidable triumvirate, this writer feels more comfortable knowing they are on our side.

The merger with C.S.U. should not raise any fears of the abolition of the Evening Sessions. Far from it. State legislators and official representatives who may be in a position to bless such union are well aware of the demand for these classes, attended predominantly by student-voters, reinforced by alumni-electors, friends, and relatives. Dean Gaynor has publicly announced every intention of continuing and even expanding the Evening and Day Sessions, consistent with demand, and evidenced by applications and admissions. Affirmation of this intent was the appointment of five new, full-time instructors, and faculty salary revisions more consistent with those at other graduate schools of law.

It is the responsible privilege of this office to seek out and write all of the news available, represent fairly "The Voice of All of Cleveland-Marshall," (see masthead slogan), to make it better in the public view, and of ever greater substance.

Thanks to Gavel Staff

By Benton P. Bohannon, Jr.

As the *Gavel* staff and its readers look forward to another academic year, we feel it both appropriate and our privilege to make known our appreciation to those individuals of last year's *Gavel* who contributed so much of their time and effort towards the perpetuation of tradition and journalistic excellence in the "Voice of Cleveland-Marshall."

To Kenneth Hoffman, Mildred Schad, David Lowe, Glenn Billington, Bryan Masterson, Ralph Kingzett, Nancy Schuster, Jan McMonagle, Bill Summers and others, well done!

THE GAVEL

Cleveland-Marshall Law School

Monthly Student Publication, September to June

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"The Board of Trustees," Dean Gaynor stated, "is responsible for money matters, faculty appointments, and guidance on School policy." They have given him full control over the School's administration. In turn, he intends to seek advice from faculty committees, but realizes that he must accept full responsibility for final decisions.

Dean Gaynor is proud of the C-M Alumni. He points out that it is one of the most active and largest law alumni organizations in the country, with 2,000 alumni living in the Cleveland area, and 1,250 dues-paying members. Today, one of the School's greatest needs is Scholarship money. "As Dean," he exclaimed, "I plan to turn to the alumni, and hope to stimulate some initiative among them to provide some of this needed money." The Dean stated that the rumored rift between some of the alumni and the School concerning the proposed merger with CSU was the result of an unfortunate misunderstanding, distorted far out of proportion.

Student Council

Appreciation was expressed that the Student Council had assumed the orientation program for new students. The Dean realizes the Council's importance as a focal point for student opinion, and appreciates their suggestions and statements on student grievances. In general, he hopes to unify and expand the participation of both the student and alumni organizations.

The tasks ahead of the School are challenging. Among them . . . the proposed merger, the rounding-out of the Day School, the increased participation by students in the Legal-aid Society, the expansion of the Job Placement Service, and the campaign for scholarship funds. In all of these, the Dean shows great enthusiasm. "Most important," according to the Dean, "are the necessary administrative chores of stabilizing and making uniform the hours, classes, and general school requirements and policies."

Together with the many facets of his new position, Dean Gaynor has developed a new curriculum and is himself teaching "Legal History and Methods" for all the first year students. He intends to conduct future seminars in Military Law and Legislation.

A Student Reporter's Observations

Over the past three years, the School has been the subject of too much controversy. The ears of the students have been besieged with a multitude of rumors and half-truths, among them a disaffiliation, and the desirable proposed merger with CSU, to which there has been, not unexpectedly, some dissent. The intrigue continued over the selection of a new dean, the tuition increase, the juggling of a class schedules, and the student dissatisfaction with some of the faculty.

To this comes a Dean who is not controversial, not a brash innovator, but rather, a hard-working administrator with a soft-spoken, statesmanlike manner. Cleveland-Marshall Law School needed a unifier, a conciliator, and a stabilizer. Dean Gaynor is this man, and The Gavel wishes him well.

PAD Hosts Mayor

The David C. Meck Chapter of Phi Alpha Delta Legal Fraternity will present Cleveland's Mayor, Carl B. Stokes, the "Outstanding Alumni Award" following a cocktail party on Tuesday, Oct. 8, 1968. The party will be held in the Law School Cafeteria, and begins at 8:00 p.m.

At 9:30 that evening in the Cleveland-Marshall Auditorium, Phi Alpha Delta's Vice-Justice, Jeffrey Rich, will present the Mayor with the Fraternity award. Following the presentation, Mayor Stokes will address the group on "What Can We As Future Attorneys Do for the Future of Cleveland: Now!"

All members, faculty and students are welcome to attend this event.

For the Record...

Under the auspices of a grant from New York University, PROF. JAMES T. FLAHERTY, Assistant Dean, attended a summer workshop at NYU, August 9-30. The "Workshop on Law School Administration" dealt with virtually every aspect of law school administration from student relations, student problems, faculty, curriculum, finances, and graduate programs.

PROF. HYMAN COHEN has submitted a request to the Ford Foundation for funding for the Legal Aid Apprentice Program at C-M, to be staffed by students.

ABA LAW STUDENT DIVISION, abbreviated affectionately "LSD," has organized an urban-law program to acquaint students with urban-law problems not covered in the typical curriculum. The program will define the role law students may play in improving legal services in cities. Contact local ABA-LSD Representative BUD DOYLE.

Active in the ACLU at Indiana University Law School, his former teaching post, PROF. JAMES B. BOSKEY will continue to be active here in ACLU affairs and student volunteers — with or without credit.

On September 14, lawyer, trial, suspense novelist, and teacher, HOWARD L. OLECK, D.P.L., spoke at the Midwest Book Fair in Cleveland, about his new book "A Singular Fury," published by World Publishing Co. On October 25, author Oleck turns speaker, the main one at the main dinner highlighting a three-day meeting of the Librarians' Association of Ohio, Michigan, Western Pa., Kentucky, and Indiana, in Columbus, Ohio. His subject, "Legal Research and Writing for Publication" is the same one he gave at Catholic University of America, in Washington, D.C., on August 8.

The American Arbitration Association shares the knowledge of PROF'S. FRANK D. EMERSON and THEODORE DYKE, active in the areas of labor, corporation, and securities. Prof. Dyke has, on occasion, been closely concerned with areas of PI and Uninsured Motorists, etc.

DEAN CHARLES JOINER, Wayne State University Law School, visited C-M on October 7th and 8th in his capacity as Consultant, Visitation Committee, Association of American Law Schools, in connection with the School's pending application for membership in that recognized, accrediting body. Chairman of the Visitation Committee is DEAN LOUIS A. TOEPFER, Case Western Reserve University's Backus School of Law, Cleveland. HOWARD L. OLECK, Distinguished Prof. of Law, is C-M's coordinator-advocate in this accreditation effort.

HOWARD L. OLECK, D.P.L., in charge of a new section in the soon-to-be-revised Cleveland Bar Journal, is doing a page on "Law School News and Alumni Activities" concerning local bar members and schools.

WHO'S WHO: A primary selection committee composed of students ALBERT L. PUROLA, RUSSELL B. TURELL, JOSEPH VALORE, all of the Student Bar, and J. NORMAN STARK, Gavel Editor-in-Chief, are now considering names of students for "Who's Who in American Law Schools." Names selected will be submitted to the Dean and a Faculty Committee for final approval before being sent to the publisher. Basis for selection is scholarship, activities, service to the School, etc.

If It Please the (Moot) Court

By Marvin Sable

Cleveland-Marshall Law School has been invited once again to participate in the National Moot Court Competition, sponsored by the Association of the Bar of the City of New York.

The students who will represent our school in the competition are those registered for the Moot Court Course. It is understood that students are selected for participation in the course by Professor Hyman Cohen, faculty supervisor of the Moot Court program. The qualifications for selection are academic achievement, dedication, interest, and commitment, (not necessarily in that order). The course deals with the nature of procedures and argument involved in appellate review. Its high point is the National Moot Court competition, a simulated appearance before the United States Supreme Court.

The Association of the Bar of the City of New York has selected a case for this year's competition, interwoven with the volatile issue of the Viet-Nam Conflict. The stu-

dent advocates must prepare briefs and oral arguments for both the petitioner and the respondent.

The petitioner, G. I. Joesephs, contends that the Viet-Nam conflict is illegal, unconstitutional, immoral, and in contravention of international treaties. The legal issue deals with G. I. Joe's right to refuse orders to go to Viet-Nam.

Those chosen for this year's course are: Kenneth Bossin, Terry Burke, Warren Comiskey, William Goldstein, Owen Grant, Larry Gray, Thomas Hermann, Arthur Kraut, James Melle, William Owens, Patrick Rocco, Alan Rom, Ronald Rosenfield, Marvin Sable, Vivian Solganik, and Jeffry Weiler. Professor James Boskey will assist Professor Cohen in producing an outstanding team to represent the Law School.

While others have "sat in" recruiting offices, "sat down" at busy interesections and "burned up" their draft cards in response to this war, the Moot Court team has "sat in" many hours at the Library, "sat down" for extended discussions and has been generally "burned up" about the complexity and time devoted to work involved in preparation for the course and ultimate competition.

Law Review Selection

By Jay A. Rini

Many students have asked about the Cleveland-Marshall Law Review, how to become a staff member, and how to write an article for publication.

Our Law Review is distinctly different from other law reviews. We do not restrict membership on our law review staff to students in the top 5% of their class, as do a great majority of the nation's law schools. At Cleveland-Marshall any student may write an article for the Law Review with the hope that his work will be accepted for publication.

The Cleveland-Marshall Law Review, with Howard L. Oleck, Distinguished Professor of Law, as advisor, has an issue editor, 7 to 10 board members, and an apprentice staff. To become a board member a student must write an article that is accepted for publication, whether it is actually published or not, and must have at least a 2.5 grade average. The board members elect the issue editor who handles that one issue only; the apprentice staff, comprised of students—freshmen through seniors—work with the board members and also verify the accuracy of the citations and footnotes used in the articles which are accepted. An interest and a desire to work, are the only requirements necessary to join the apprentice staff.

There are two methods to pursue for anyone interested in having their work published. A student may consult the faculty advisor about a "timely" topic, and write an article; or the student can write for the course in Legal Writing. The best papers turned in for Legal Writing are reviewed by the Law Review faculty advisor and turned over to the board. In both instances, the final decision rests with the Law Review Board. Either the article is rejected, or the board requests the student to "polish" his article for publication. If the work is ultimately accepted, whether published or not, the student is still appointed to the Law Review Board and given credit for two hours of study with a grade of "A". If the student's point average is below 2.5, he is not eligible to become a board member until his average is raised but he may still qualify for one point of credit.

The Cleveland-Marshall Law Review has earned a national reputation and gained recognition for those who have contributed articles. Our law review is founded on a broad policy to interest and encourage the greatest number of students to contribute to its success.

Hazel Retires

After 42 Years,

Dedicated Service

After 42 years, Miss Hazel Thorkelson, has retired from the administrative staff of Cleveland-Marshall Law School. The Faculty and Staff honored Miss Thorkelson at an informal reception held in her honor at the School on July 30, marking her last day of service.

Miss Thorkelson began at Cleveland-Marshall in 1926 as Judge Willis Vickery's secretary. As the School grew, so also did Miss Thorkelson in the esteem of all concerned with Cleveland-Marshall. Thousands of students were helped through law school by the special interest and advice given by our Hazel.

New students were often astounded by Hazel's memory. As if it were yesterday she could recall the law school careers of fathers and even grandfathers of present students. She vividly remembers many noted Cleveland jurists and attorneys, including the law school days of Cleveland's Mayor Carl B. Stokes, and his brother, Attorney Louis Stokes.

At 74 years of age, Hazel still maintains an active program. Between camping trips with her nephew and his family, and corresponding with friends and relatives all over the country, Hazel is still able to lead a very rewarding and interesting life.



Hazel Thorkelson

Delta Theta Phi Welcomes New Students

By Ron Swencki

Ranney Senate of Delta Theta Phi Legal Fraternity extends a warm welcome to all new day and evening students, and a hearty congratulations to all upper classmen.

Delta Theta Phi concluded the 1967-68 school year with the initiation of thirteen new members in the Court of Appeals, on May 25. They are: Merrill Blair, Fred Condon, Larry Dickey, John Hyland, Bob Kinkela, Bill Lukens, Bruce Parish, John Pilch, Greg Rutman, Bob Silverman, Bob Stern, Harvey Tessler, Bob Tighe and Joe Valore. After the ceremony, a luncheon was held at the Statler-Hilton Hotel. The guest speaker was the Honorable state senator John Weeks, a former vice-president of the Glidden Company of Cleveland.

On June 14, 1968 forty-four brothers of Ranney Senate received their Doctor of Law degrees. Brother Delt John Corrigan, president of the class, gave a stirring senior address. We are proud of all the brothers, especially of Richard Szilagyi, who graduated Magna Cum Laude, and four others who graduated Cum Laude.

We of Ranney Senate are quite proud to have been designated the "Outstanding Student Senate" in the region for 1967-68. This is the third year in succession our Senate has received this honor and we now are entered in the competition for the "National Senate" Award.

The 1968-69 school year will contain a full schedule of events, including unique rush parties, socials and business meetings.

The first rush party was held on Monday, Sept. 30, at the Cleveland City Club. Veteran radio and television reporter and commentator, Hugh Danaceau, gave his account of his experiences in the Chicago "disturbances" during the Democratic National Convention.

Associate Editor Speaks

By C. Ellen Connally

A year ago this month, I first entered the halls of Cleveland-Marshall to embark on my study of the law, and that was what I intended to do—study law. But, looking back it seems that I had barely completed my first assignment for Miss Garee and taken the cover from my newly purchased copy of Black's Law Dictionary, when great turmoil arose among my classmates as to what else we should be doing in addition to "just going to law school." The whole world of the law had begun and leadership arose among us to encourage the class to seek new horizons on our own and find the goals on the other side of the casebook.

The challenge was heard, debated, discussed and partially attempted. By the time January exams rolled around, the voices that spoke of all the things we could do as law students were stilled by the thoughts of a "D" in Property I, Viet Nam and two more No-Doze. Off and on the voices could be heard again, but all they amounted to were voices.

Now comes the second year and though we are smaller in number and perhaps a more selective group, I hear the rumblings of the same old voices again, reviving the challenge.

The opportunities at Cleveland-Marshall are there, waiting for each student who wants to be one notch above the average. A Student Bar Committee, the Law Review, or "The Gavel" Staff may not have the flare or color of riding in a police car or working for the American Civil Liberties Union, but the challenge can be the same. Doing more than going to law school requires you to take part, to be active, and to become more than just a voice.

Becky Retires

By C. Ellen Connally



Left to right: Mrs. Rebecca Hotes, Miss Barbara Stapleton, daughter of Dean Emeritus Wilson Stapleton, and Mr. Herbert Hotes at retirement reception honoring Mrs. Hotes.

After 43 years of service, Mrs. Rebecca I. Hotes has retired from the administrative staff of Cleveland-Marshall Law School. In honor of her retirement, a reception was held on Sept. 26, at the Steak Joynet.

Dean James K. Gaynor addressed the assembled faculty, faculty wives, staff, and friends of Becky. Also addressing the group was Student Bar President Terry Burke, and Student Council President Pat Morgan who thanked Becky for her years of personable service to the School and to the students. On behalf of the student body, Pat Morgan awarded Becky an inscribed gold watch, in appreciation of her devotion to the students.

Her husband, Herbert, recalled that 44 years ago when he and Becky were contemplating the idea of marriage, their final plans were contingent on Becky's finding a job. She did . . . at C-M, and since then they have remained happily married, and employed.

Dean Gaynor summed up the School's feeling about Becky in a letter to her, accepting her retirement, as follows:

In view of the more than four decades which you have devoted to this school . . . , I cannot fail to accede to your wishes in this matter (of retirement). However, the word "retire" is hardly appropriate, for you always will be considered a valuable part of our official family at Cleveland-Marshall. . . . Perhaps someone else will be sitting at your desk in the future, but you never can really be replaced.

Bread & Butter

Seminar Popular

The first "Bread & Butter" seminar of the 1968-69 series was attended by over 300 practicing attorneys and bankers who turned out to hear Chief Justice Kingsley A. Taft of the Ohio Supreme Court lead off the program on Ohio's New Estate Tax.

Others who took part in the seminar, of which Judge Frank J. Merrick is chairman, were Ralph J. Perk, County Auditor, his chief deputy, Willis J. Zangerle, and Russell M. Mack, chief of the Estate Tax Department of the state tax office.

According to Paul S. Sanislo, Alumni Association president, the next scheduled seminar is slated for Friday, October 25, when the subject will be "The Uninsured Motorist."

October 25 The Uninsured Motorist

Professor Sheard: La Rajto . . .

By J. Norman Stark

Kevin Sheard, Professor of Law at Cleveland-Marshall, was a representative to the International Lawyer's Association, convened August 2-10, 1968 in Madrid, Spain. The entire proceedings were conducted in Esperanto, the international language form which first caught Prof. Sheard's attention several years ago and led to his intensive study of the written and spoken forms.



Kevin Sheard

and a fascinating form. For example, two of the common words found in the First Amendment to the Constitution are interpreted as follows:

malpliigi—literally, to lessen; to abridge

rebonigi—literally, to make good again; redress (of grievances)."

A lawyer from each of the countries represented, including the U.S.S.R. and its satellite nations, spoke in Esperanto about the legal conditions in his country. Sheard's paper, "The American Right to Form Political Parties, Labor Unions, and Associations," discusses basic rights of U.S. citizens guaranteed by the First Amendment to the Constitution. (Const. Law is taught by Prof. Sheard.)

"The language is a composite, derived from many other languages,

Prof Sheard continued, "The First Amendment is translated as follows:

Kongreso devas fari nenium legon . . . malpliigi la liberecon de la parolado au de la gazetaro; au de la popolamaso pacem e kunveni, kaj peti al la registraro p or rebonigi plendadojn.

There, simple isn't it?"

Professor Sheard's extra-curricular activities have not been limited solely to the serious study of languages. He is a recognized authority on academic heraldry, the study of hoods and markings of scholars' robes and gowns, and the author of a book on that subject. His next writings on heraldry, scheduled for release in January, 1969, consists of three volumes on "Regalia of the World's Universities," (in English, not Esperanto, . . . "though it was tempting . . .").

"Esperanto was a great help in obtaining responses to my letters from behind the Iron Curtain, particularly Czechoslovakia, at least until the recent invasion of that country," said Sheard. He now refrains from writing to persons there for fear of reprisals against them by the Communists.

The work on international heraldry, co-authored with Professor Hugh Smith of Rhodes University, Grahamtown, South Africa, and published by Balema of The Netherlands and South Africa, will be priced at 30 rand, the equivalent of \$45.00 U.S. "At that price," he quips, "it may not ever be a best seller!"

HELP WANTED

MALE and FEMALE

The Gavel Staff Needs:

REPORTERS

WRITERS

PHOTOGRAPHERS

TYPISTS

ARTISTS

EDITORIAL ASSISTANTS

LETTERS TO EDITOR

FEATURE WRITERS

GUEST AUTHORS

INTERESTED READERS

Apply Gavel Office

Law Clerks' Handbook

(Cut Out and Save)

REAL PROPERTY, DEEDS, TRANSFER OF OWNERSHIP

Filing Procedure, Cuyahoga County, Ohio¹

Requisites:

1. Original instrument (deed)², properly executed by grantor(s).
2. Completed B.T.A. Form #100, also known as Form #3140, in triplicate, signed by grantee(s) or authorized representative. Forms available at office of County Auditor. See illustration, note particular information required.
3. Conveyance Fee: certified check, or cash, in an amount equal to 10¢ per \$100.00 of total consideration or value, or \$1.00, whichever is greater. Make check payable to County Auditor, to include \$.35 transfer fee for each parcel transferred.
4. Recording fee: certified check, or cash, 75¢ per page or side of instrument.

Filing:

1. Present instrument (deed) for transfer at County Audi-

tor's Office, Room 121, County Administration Bldg., Lakeside & Ontario Street, along with Conveyance and Transfer Fees. The instrument will be stamped by the Clerk with the amount paid, and a receipt issued for fees paid.

2. Present the stamped instrument at the County Recorder's Office, Room 220, County Administration Bldg., Lakeside & Ontario Street, along with Recording Fee. The instrument will be stamped with a recording date and time. Obtain receipt and retain it, to be presented at the same place approximately one week later, in exchange for the recorded instrument (deed). Note: If desired, complete half of the receipt, directing the County Recorder to mail the instrument to a designated person or place. Include postage charges if electing to have the instrument mailed.

If the procedure outlined above is carefully followed, your client's instrument will be properly transferred and recorded without delay, to become a permanent part of Cuyahoga County Records.

1 Reference, Ohio Rev. Code 319.202 and 319.54 (F) (3).

2 This is **NOT** for a Torrens (recording system) document. See procedure for Torrens transfer in (subsequent issues) Phillips & Stark, "Law Clerks' Handbook," in subsequent issues of The Gavel.

EFFECTIVE JANUARY 1, 1962 IN COMPLIANCE WITH R. C. SEC. 319.202 AND 319.54 (F) (3).

Revised 10-1-61 B.T.A. Form 100 Prescribed by Dept. Taxation Form 100

FOR COUNTY AUDITOR'S USE ONLY TYPE OR PRINT ALL INFORMATION SEE INSTRUCTIONS

Co. No.	Date	Number	Inst.	Dist. No.	Tax Lot	Land	Building	Total
18								

Use: ☐ 1. Agricultural ☐ 2. Industrial ☐ 3. Commercial ☐ 4. Residential

Property located in: Township, Village or City

Description or Auditor's Permanent Parcel No. Front Depth Total Area

STATEMENT OF GRANTEE TYPE OR PRINT ALL INFORMATION SEE INSTRUCTIONS

1. Grantor's name:
2. Grantee's name and address:
3. Tax billing address if other than above:
4. Are there buildings on the land? ☐ 1. Yes ☐ 2. No
5. If instrument does not convey entire fee simple interest, explain:
6. Full consideration, including the amount of all mortgages and liens, excluding personal property or damages: 1. \$
- If a gift, in whole or part, the estimated market price: 2. \$
7. If exempt by Sec. 319.54 (F) (3) R. C., state reason:
8. I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement. (R. C. Sec. 5703.25)

(Date) (Signature of grantor or his representative)

RECEIPT TO PERSON PAYING CONVEYANCE FEE

Receipt No. (Same as statement of value Number) CUYAHOGA County

The full consideration or estimated market value on the statement of value, bearing the same number as this receipt was \$.

The conveyance fee on the property described of 10 cents per \$100 of total consideration or value, or \$1.00, whichever is greater, in the amount of \$.

has been paid by

and received by the CUYAHOGA County Auditor's office.

☐ If conveyance is exempt from fee pursuant to Sec. 319.54 (F) (3) R. C., check here.

(Date) RALPH J. PERK (County Auditor)

ALL COPIES MUST BE SUBMITTED INTACT AT TIME OF PAYING FEE.

EXPLANATORY NOTES

Exemptions Listed

Important

Grantees' Statement of Value

Instructions for Completing

ALL information is to be typed or printed clearly. Statement **MUST** be signed.

Item 4, indicate by checking "yes" or "no" if buildings were included in consideration.

Item 5, If instrument does not convey entire fee simple interest, explain; i. e., undivided one-half interest, 99 year lease-hold, etc.

Item 6, In the case of any deed not a gift in whole or part, the amount of the full consideration paid or to be paid for the **real property** only described in the deed. (Include all mortgages and liens. Exclude personal property and damages.) If a gift, estimate market price.

Item 7, Show reason on statement if the conveyance is exempt from the fee provided for in Sec. 319.54 (F) (3) R. C. because of any of the following reasons:

1. Government or political subdivision.
2. To provide or release security for debt or obligation.
3. Correcting deed previously recorded.
4. Members of same family for nominal consideration.
5. Sale for delinquent taxes.
6. Sale pursuant to court order.
7. Reorganization of corporations or unincorporated associations.
8. Subsidiary corporation to its parent corporation for no consideration, or a nominal consideration, or the cancellation or surrender of the subsidiary's stock.
9. Leave unless the lease is for a term of years renewable forever.
10. Value of property or interest does not exceed \$100.
11. Which is an occupied residential property being transferred to the builder of a new residence when the former residence is traded as part of the consideration for the new residence.
12. Which is being transferred to a grantee therein, other than a dealer in real property, solely for the purpose of, and as a step in, the prompt sale thereof to others.

The Board of Tax Appeals calls attention to certain provisions of the Revised Code requiring the county auditor to stamp and indorse each conveyance to indicate that the county auditor has examined the conveyance and that there has been compliance with the provisions of R. C. Section 319.202 by the grantee and the grantor.

On November 13, 1967, the Board of Tax Appeals made the following entry in compliance with authority granted them under HB 913 on the transfer of Real Property.

The Board of Tax Appeals of the Department of Taxation of Ohio, acting under the pertinent provisions of R. C. Sections 319.202 and 319.54 (F) (3) hereby prescribes the combined "Statement of Value" and "Receipt to Person Paying Conveyance Fee" (B.T.A. Form 100) to be completed by the grantee or his representative and the County Auditor in compliance with the provisions of R. C. Sections 319.202 and 319.54 (F) (3), a copy of which form is attached hereto and made a part hereof.

The prescribed form (shown above) shall be printed at least in triplicate form. The original copy (white) shall be retained by the county auditor. The second copy (light green) is to be retained by the county auditor for the use of the Board of Tax Appeals. The third copy (pink) shall be perforated or scored to provide a copy for the grantee and a receipt to the grantor. The fourth copy, if desired by the auditor for the benefit of the county treasurer, shall be on canary paper.

It is further ordered that on and after January 1, 1968, no real property shall be transferred nor any real property conveyance be endorsed pursuant to R. C. Section 319.20 by any county auditor until a Statement of Value, at least in triplicate, on the form herein prescribed, is completed and filed with the county auditor and until the conveyance fee provided by R. C. Section 319.54 (F) (3) is paid or proof of exemption from the fee is presented to the county auditor and in that latter event the reason for exemption is included in the grantee's statement.

It is ordered that a copy of this entry, with a copy of the prescribed form attached thereto, be certified to each county auditor in the State and that each county auditor secure the necessary supply of said prescribed form so that they are available for use on and after January 1, 1968.

Alumni News

JIM THOMAS, '67, has joined Euclid National Bank as trust officer . . . LESTER H. NEEDHAM, '67, was recently appointed attorney for the Midland-Ross Corporation . . . WILLIAM R. COOMBES, '59, has joined Associated Spring Corporation, Bristol, Connecticut as general attorney . . . DAVID F. CARPENTER, '64, leaves Michigan National Bank at Grand Rapids, Michigan to join the firm of Catchick, Mohny, Norris & Goodrich as a full partner . . . MARVIN L. FISHMAN, '63, a CPA, is now director of taxes for National Industries, Inc. of Louisville, Ky.

CLEVELAND-MARSHALL FACULTY En Banc — Left front: Dean James K. Gaynor, Ass't Dean James T. Flaherty; Left to right: Arnold H. Sutin, Joseph Patchan, James B. Boskey, Hyman Cohen, Frank D. Emerson, Richard Schwartz, Kevin Sheard, Leroy Murad, David B. Goshien, Carroll H. Sierk, Howard L. Oleck, Edward Chitlik, standing: Helen L. Garee, Donald Teare, Elizabeth Moody; Center (left to right): Richard Markus, Theodore Dyke, Edward Greenwald, John Winters, Richard Morton and Charles Auerbach. Not in photo: Mrs. D. Aldrich.



Three C - M Students Take Top Awards

Mrs. Nancy Wise Schuster, 1968 cum laude graduate of Cleveland-Marshall, and Marc J. Bloch of the 1969 class were recently awarded the \$250 prize of the Nathan Burkan Memorial Competition for their joint article on copyright law. The article, *Mechanical Copying, Copyright Law and the Teacher*, appeared in the May '68 issue of the Cleveland-Marshall Law Review.

Mrs. Schuster was active in the Law Review and The Gavel while at Cleveland-Marshall. She now works for the Public Defender's Office.

Mr. Bloch is presently a member of the Editorial Board of the Law Review and is employed by the American Arbitration Association.

The second prize of \$100 went to Cleveland-Marshall 4th year student Thomas Paul Demeter. His award-winning article is entitled "Legal Perils of Parody and Burlesque."

Mr. Demeter is Assistant Manager, Trust and Securities Division of the Cleveland Trust Company. He plans to remain with the bank after graduation from law school.



THE GAVEL

Monthly Student Publication

CLEVELAND-MARSHALL LAW SCHOOL

1240 Ontario Street • Cleveland, Ohio 44113